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Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session: Advisory Board on Disarmament Matters

Work of the Advisory Board on Disarmament Matters

Report of the Secretary-General

Summary

The Advisory Board on Disarmament Matters held its forty-sixth and forty-seventh sessions in New York from 8 to 10 February and in Geneva from 21 to 23 June 2006, respectively. The Board focused its deliberations on: (a) a review of the situation in the field of disarmament in the light of the decisions taken at the World Summit on the occasion of the sixtieth session of the General Assembly; (b) measures to prevent the proliferation of weapons systems to non-State actors; (c) the way ahead on building an international security system; and (d) consolidating and furthering developing international norms on small arms and light weapons.

The Board made several recommendations in its review of the field of disarmament following the outcome of the World Summit: (a) incremental steps should be taken to help build momentum on the priority issues, such as weapons of mass destruction terrorism, promoting the universality of treaty regimes on weapons of mass destruction and early start of substantive work at the Conference on Disarmament, including negotiation of a Fissile Material Cut-off Treaty; (b) measures should be taken to build/restore trust and confidence among States, which serve as a basis for any disarmament and non-proliferation progress. New thinking aimed at establishing a new international security paradigm should be adopted. Member States should renew their political will to uphold the rule of law and international norms and to strengthen multilateralism, democracy and an inclusive participatory process in international relations; (c) disarmament and non-proliferation should be pursued in a mutually complementary manner. The Board

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underlined the need to change thinking and to adopt a balanced approach in addressing the security concerns of all States, both at regional and international levels, and the need to address disarmament and non-proliferation and the peaceful use of nuclear energy in a balanced, reasonable and thus sustainable manner; (d) measures should be taken to strongly discourage withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons by empowering the International Atomic Energy Agency to respond decisively to non-compliance, pre-empting any wrong impression that withdrawal from the Treaty is a viable or consequence-free option; (e) the scope of the annual United Nations disarmament fellowship programme should include new topics and challenges, such as export controls, national legislation, law enforcement, border controls, illicit trafficking of nuclear material, information sharing, preventing trade in and presence of black market precursors and agents; and (f) efforts should be made to encourage donors to increase their financial support for the efforts of non-governmental organizations in the fields of disarmament and arms control.

The Board made the following recommendations on preventing the proliferation of weapons systems to non-State actors: (a) all international initiatives need to be strengthened in accordance with the international law combating international terrorism, especially in the field of possible acquisition of weapons of mass destruction, their precursors, know-how and delivery systems; (b) the United Nations should continue to study the development of international norms governing transfers in conventional arms, including the prohibition of transfer to non-State actors; (c) the mandatory provisions of Security Council resolution 1373 (2001) regarding the elimination of the supply of weapons to terrorists should be strictly applied to all States and the responsibility of States regarding the supply of weapons should continue in the event those weapons are used in terrorist acts; (d) the private sector, in particular the arms industry, should be involved in addressing the threats posed by terrorists; and (e) civilian frameworks and infrastructures must be redirected to tighten and enhance tools in eliminating the supply of weapons to non-State actors and terrorists. Those tools should include national export control legislation, law enforcement, customs, border controls, greater container security, exchange of information and intelligence regarding persons, transfer of funds and transactions, enhanced sensitivity to end-use, including post-shipment inspections, and a range of steps to require greater accounting and physical security of arms storage facilities.

Regarding the issue of building an international security system, the Board made several recommendations: (a) greater use of regional organizations for crisis resolution and further exploration of their relationship with the United Nations is needed; (b) the United Nations should adapt its structures in order to be more responsive to the new threats, such as terrorism; (c) for a truly effective multilateral system, there is a need for the United Nations to recognize and better incorporate wider non-proliferation activity consistent with Security Council resolution 1540 (2004); and (d) greater effort should be devoted to making disarmament issues more relevant to a younger generation growing up in the twenty-first century.

With regard to further developing international norms on small arms and light weapons, the Board proposed the following: (a) national laws on arms brokering within regions need to be harmonized so as to prevent arms dealers from arranging transfers in a neighbouring State which would be unlawful in the jurisdiction of the dealers' State; (b) donor countries and international institutions should act to support

States that lack the resources for implementing national laws against small arms trafficking; (c) the role of civil society should be recognized in efforts to combat the illicit trade in small arms and light weapons; and (d) ways should be sought of putting the control of small arms and light weapons into regional cooperation mechanisms.

In its capacity as Board of Trustees of the United Nations Institute for Disarmament Research, the Board approved for submission to the General Assembly the report of the Director of the Institute on its activities from August 2005 to July 2006 and the programme of work and budget for 2007 (see A/61/180).

Board members also expressed strong support for the work of the Institute and concern at the prospect of any curtailment of its activities.

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I. Introduction

1. The Advisory Board on Disarmament Matters held its forty-sixth and forty-seventh sessions in New York from 8 to 10 February and in Geneva from 21 to 23 June 2006, respectively. The present report is submitted pursuant to General Assembly resolution 38/183 O of 20 December 1983. The report of the Board on its work as Board of Trustees of the United Nations Institute for Disarmament Research (UNIDIR) has been presented in a separate document (see A/61/180).

2. U. Joy Ogwu of Nigeria chaired the two sessions of the Board in 2006.

3. The present report summarizes the Board's deliberations during the two sessions and the specific recommendations it conveyed to the Secretary-General.

II. Substantive discussions and recommendations

A. Review of the situation in the field of disarmament in the light of the decisions taken at the Summit held on the occasion of the sixtieth session of the General Assembly

4. At its forth-sixth session, the Board received discussion papers prepared by two members, Mahmoud Karem and Stephen Rademaker. It was also briefed by Randall Caroline Forsberg, Executive Director of the Institute for Defense and Disarmament Studies, and Jonathan Granoff, President of the Global Security Institute, on the priority issues in the fields of disarmament and non-proliferation.

5. Many Board members expressed grave concern about the continuous lack of progress in multilateral disarmament and their deep disappointment over the failure to reflect issues related to disarmament and non-proliferation in the Outcome Document of the 2005 Summit held during the sixtieth session of the General Assembly.

6. The Board discussed the causes of the stalemate. The issue of the political relationship between counterproliferation, non-proliferation, disarmament and arms control (and, to an extent, counter-terrorism) was raised. It noted the political significance of conceptual differences in those terms and the effects such differences had on the lack of progress evident in disarmament and arms control matters.

7. Nevertheless, the Board identified some of the less evident ways in which disarmament, arms control and non-proliferation had actually achieved measured success in recent years albeit often in politically controversial contexts. Some examples were the Organization's effective disarmament of Iraq in the early 1990s and the thickening network of measures to deal with small arms and light weapons and criminalize illicit trading.

8. There was general agreement that the dynamics of disarmament and arms control had changed radically since the end of the Cold War and the Board's discussion ranged across the whole spectrum of strategic responses that the United Nations might pursue in recognition of that fact. The Board addressed the question of the most appropriate strategies for making progress in disarmament and arms control in the current international situation and identified several options: (a) to seek to maintain progress in all the existing areas, in the hope that there would be

greater political consensus in the near future; (b) to promote the current agenda in more inventive or indirect ways; (c) to reconceptualize the whole process, which could lead to alternative strategies; and (d) to acknowledge that disarmament and arms control had "run out of steam" in the current international system and the international community should look for other ways of trying to stabilize international relations.

9. Regarding the Iranian nuclear issue, the Board expressed its concern about the development and implications of the matter. The Iranian case required careful consideration by the international community not only for its immediate repercussions but also for its consequences for the overall non-proliferation regime. The resolution adopted by the Board of Governors of the International Atomic Energy Agency (IAEA) on 4 February 2006 had opened the path for a constructive approach to the problem. The resolution must be fully implemented so that Iran could restore the confidence of the international community and the Agency could uphold its authority.

10. The Board stressed that an approach based on a balanced view combined with efforts towards confidence-building should be adopted by all parties concerned in seeking a negotiated solution to the problem. The Iranian issue must be viewed as an opportunity for a broad reflection on the characteristics of the non-proliferation regime and on ways and means to deal with the new challenges it was facing.

11. In the context of the establishment of a weapons-of-mass-destruction-free zone in the Middle East, it was proposed that a group of experts be convened by the Secretary-General to focus on and study the lessons learned from all previous regional initiatives to establish zones of peace, along with other regional efforts to reduce tensions and conflicts.

12. There was also a proposal to convene a special session of the General Assembly on disarmament, which could help draw world attention to the issue and focus on disarmament once again. The question of reifying commitment to article VI of the Treaty on the Non-Proliferation of Nuclear Weapons by building on the language approved at the First Special Session on Disarmament regarding "priorities in nuclear disarmament" could also be dealt with. It was suggested that an eventual group of Friends of the Chair should include regional group representatives, the five nuclear-weapon States and representatives of leading international agencies in the field.

Recommendations

13. **The Board made the following recommendations:**

(a) **Persistent and painstaking efforts aimed at breaking the deadlock should continue. Incremental steps should be taken to help build momentum on the priority issues in these fields, such as weapons of mass destruction terrorism, promoting the universality of treaty regimes on weapons of mass destruction and early start of substantive work at the Conference on Disarmament, including negotiation of a Fissile Material Cut-off Treaty;**

(b) **Measures should be taken to build/restore trust and confidence among States, which serve as a basis for any disarmament and non-proliferation progress. New thinking aimed at establishing a new international security paradigm should be adopted. Member States should renew their**

political will to uphold the rule of law and international norms and to strengthen multilateralism, democracy and an inclusive participatory process in international relations;

(c) Disarmament and non-proliferation should be pursued in a mutually complementary manner. The Board underlined the need to change thinking and to adopt a balanced approach in addressing the security concerns of all States, at the regional and international levels, and the need to address disarmament and non-proliferation, and non-proliferation and peaceful use of nuclear energy in a balanced, reasonable and thus sustainable manner;

(d) Measures should be taken to strongly discourage withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons by empowering IAEA to respond decisively to non-compliance, pre-empting any wrong impression that withdrawal from the Treaty is a viable or consequence-free option;

(e) The scope of the annual United Nations disarmament fellowship programme should include new topics and challenges, such as export controls, national legislation, law enforcement, border controls, illicit trafficking of nuclear material, information-sharing, preventing trade in and presence of black market precursors and agents;

(f) Efforts should be made to encourage donors to increase their financial support for the efforts made by non-governmental organizations in the fields of disarmament and arms control.

B. Measures to prevent the proliferation of weapon systems to non-State actors

14. The Board had before it discussion papers prepared by two members, Christiane Agboton-Johnson and Jeremy Issacharroff.

15. As the Board had addressed the issue of weapons of mass destruction terrorism in its previous meetings, discussion was focused on conventional weapons systems. It was pointed out that the weapons systems that had become the weapons of choice for terrorists were, by and large, weapons developed and made by States for the use of conventional armies. Such weapons included man-portable air-defence systems, shorter-range rockets, rocket-propelled grenades, anti-tank missiles, mortars, firearms and assault rifles. In addition, various non-State actors or terrorist groups had developed their own shorter-range rockets and improvised explosive devices.

16. The key problem with most of the weapons systems mentioned above was that they were available on the black market with greater or lesser ease and could in certain cases be obtained from or through States that were unaware of the true end-user of the systems being transferred. They could also be stolen from unsecured or poorly guarded storage areas. States should enact and strengthen national legislation and reform the security sector; they should improve control in all aspects: transfer, possession by civilians, end-user certificates, brokering activities, monitoring of air, land and maritime transport, detection of old stockpiles and caches, marking and tracing of arms and munitions, post-conflict collection and destruction of weapons.

17. The Board also noted that it was crucial to place emphasis on efforts aimed at drying up the financial resources of the non-State actors or terrorist groups, which

could become a key factor in blocking weapon transactions. Eliminating the supply of weapons to terrorists should be pursued as one element in an overarching approach countering the factors that enabled terrorist groups to exist and maintain themselves financially.

18. Security Council resolution 1540 (2004) was judged to constitute a good basis for dealing with that issue, despite the fact that its implementation needed to be further improved. Its scope could be expanded as necessary and feasible.

Recommendations

19. **The Board made the following recommendations:**

(a) **All international initiatives should be strengthened in accordance with the international law combating international terrorism, especially in the field of possible acquisition of weapons of mass destruction, their precursors, know-how and delivery systems;**

(b) **The United Nations should continue to study the development of international norms governing transfers in conventional arms, including the prohibition of transfer to non-State actors;**

(c) **The mandatory provisions of Security Council resolution 1373 (2001) regarding the elimination of the supply of weapons to terrorists should be strictly applied to all States and the responsibility of States regarding the supply of weapons should continue in the event such weapons are used in terrorist acts;**

(d) **The private sector, in particular the arms industry, should be involved in addressing the threats posed by terrorists;**

(e) **Civilian frameworks and infrastructures must be redirected to tighten and enhance tools in eliminating the supply of weapons to non-State actors and terrorists. Such tools should include national export control legislation, law enforcement, customs, border controls, greater container security, exchange of information and intelligence regarding persons, transfer of funds and transactions, enhanced sensitivity to end-use, including post-shipment inspections, and a range of steps to require greater accounting and physical security of arms storage facilities.**

C. Building an international security system: the way ahead

20. At its forty-seventh session, the Board received papers prepared by two members, Jayant Prasad and Philippe Carré. Ho-Jin Lee also contributed a non-paper on the issue. The Board was briefed by Professor Keith Krause of the Graduate Institute of International Studies and by Cate Buchanan of the Centre for Humanitarian Dialogue.

21. The Board recognized that there was an increasing need for the United Nations to adapt itself and be more responsive to the different aspects of the new and constantly evolving international security architecture. The discussion focused on how best to strengthen and buttress the existing security system. The end of the Cold War had brought to a close the era of bipolar confrontation and had led to significant reductions in the nuclear arsenals. Current and future security challenges

increasingly arose from social, political, religious, ethnic and/or linguistic differences, terrorist activities, refugee flows, conflicts over access to natural resources and development-related issues. By their nature, those challenges did not submit to any simple military solution.

22. The Board agreed that primacy should continue to be accorded to multilaterally negotiated instruments, with a central role for the United Nations as a universal forum. There was also a need for strict adherence to the principles of the Charter of the United Nations with respect to the non-use of force, questions of legality, human rights as well as the recognition of sovereignty and territorial integrity. In that regard, reform of the United Nations and the Security Council were felt to be necessary in order to make both institutions more effective, accountable and representative.

23. The Board felt that, at the same time, it would be important for the United Nations to harness the positive forces of globalization and to confront new global threats such as terrorism and proliferation more effectively.

24. It was acknowledged that there was currently a clear trend towards ad hoc arrangements for crisis management. That was seen as a positive development. Regional and local initiatives were achieving global importance and had lessons for future action. Regional security efforts were best exemplified by the work of the countries involved in the six-party talks, but the same applied to the attempts to try and resolve the current Iranian crisis.

25. Export controls had often been seen as a form of unofficial "trade embargo", but they were now winning wider political support, as the importance of trying to place restrictions on weapons of mass destruction-related materials and technology became accepted. In a United Nations context, they had recently been reinforced by initiatives such as the implementation of resolution 1540 (2004). That was seen as a working illustration of the interchange between the multilateral and the national.

26. Improved mechanisms for peacemaking and peacekeeping were necessary. International responses had increasingly to be multidimensional, taking the form of extensive peacebuilding efforts, precisely in order to meet the nature of the new challenges. It was felt that there was a need to define clear priorities on non-proliferation and in countering terrorism. The United Nations needed to take full account of those new developments, although many fell outside its traditional area of responsibility, and should actively seek the means to achieve that task, as that would be the real test of its ability to deal with future challenges.

27. Board members felt that there was a need to broaden the scope and role of regional mechanisms in order to help resolve security problems. The Charter of the United Nations provided the ability to draw upon and exploit such regional tools, in particular, the already existent cooperative mechanisms in Europe, Africa and Latin America.

28. In order to be effective, security systems needed a sense of common purpose. Currently, however, no such common purpose was detectable. Some Board members felt strongly that it was impossible to ignore the existing differences and imbalances in the international system and that there was a corresponding need to address fundamental security problems.

Recommendations

29. **The Board made the following recommendations:**

(a) There was a need for greater use of regional organizations in crisis resolution and further exploration of their relationship with the United Nations;

(b) The United Nations should adapt its structures in order to be more responsive to the new threats, such as terrorism;

(c) For a truly effective multilateral system, there was a need for the United Nations to recognize and better incorporate wider non-proliferation activity consistent with Security Council resolution 1540 (2004);

(d) Greater effort should be devoted to making disarmament issues more relevant to a younger generation growing up in the twenty-first century.

D. Consolidating and further developing international norms on small arms and light weapons

30. The Board had before it two discussion papers prepared by Carolina Hernandez and Kongit Sinegiorgis.

31. Board members stressed that consolidating and further developing international norms was a global problem. Wherever there was organized crime, terrorism or insurgency, there was also a security challenge linked directly to small arms issues. There was discussion and praise for the regional and global efforts that had been undertaken to stem the trade of such weapons.

32. Some of the conclusions were identical to those drawn from the earlier, more conceptual discussion. In order to remain relevant, the United Nations needed to accommodate the changes that had taken place since 1945. But States for their part must also empower the United Nations. There was a similar recognition that there was increasing recourse to ad hoc arrangements and coalitions of the willing to resolve many current problems.

33. Many of the actors in the illicit trade in small arms and light weapons were small and medium-sized States in the developing world, struggling with poverty, illiteracy, disease and poor governance. The international community was, in theory, better positioned to craft an appropriate mix of economic, political, social, developmental and other measures to alleviate those deficiencies. It was critically important to recognize the linkages between illicit trade and the gamut of political, economic and social issues already recognized in the programme of action.

34. The view was expressed that the fundamental problem remained one of how to properly control the ubiquity of small arms. Research had shown that there were some 640 million individual firearms worldwide — the vast majority of which were legally held. Just 1 per cent of that total was, however, assessed to be in criminal hands, which, nevertheless, meant some 6.5 million weapons. Various schemes had been tried to deal with that issue, including buy-back of weapons, destruction, marking and tracing, but all had their limitations. The most effective solution perhaps lay in trying to create a "cordon sanitaire" around sensitive areas to prevent

arms movements into that region. As a further disincentive to those involved, illicit arms trading could perhaps be made a war crime.

35. Discussion of the issue concluded with a shared view that the Small Arms Review Conference should be made aware of the opinion of the Board concerning the importance of the work being carried out on small arms and light weapons and of the very useful contribution made by the original programme of action.

Recommendations

36. **The Board made the following recommendations:**

(a) **There is a need to harmonize national laws on arms brokering within regions so as to prevent arms dealers from arranging transfers in a neighbouring State which would be unlawful in the jurisdiction of the dealers' State;**

(b) **Donor countries and international institutions should act to support States that lack the resources in implementing national laws against small arms trafficking;**

(c) **The role of civil society should be recognized in efforts to combat the illicit trade in small arms and light weapons;**

(d) **Ways should be sought of putting the control of small arms and light weapons into regional cooperation mechanisms.**

III. Meeting with the Secretary-General

37. The Board met with the Secretary-General in Geneva on 21 June 2006. Following statements by the Chairman and the Secretary-General, members of the Board discussed subjects of major concern. They included: the urgent search for new ideas in the area of disarmament and non-proliferation, coupled with the need to break free from what had become a sterile debate; the importance of a Middle East nuclear-weapon-free zone and praise for the Secretary-General's interventions on the Iranian issue; the need to stress the continuing strength of the Treaty on the Non-Proliferation of Nuclear Weapons and the central role of IAEA; concern at the prospect of nuclear proliferation; the prospects for success at the Small Arms Review Conference and the strong feeling that that issue should be accorded a higher priority in the Organization's efforts to tackle peace and security challenges; wider progress in seeking political solutions and in confidence-building measures which could serve as a precursor to disarmament and non-proliferation in a regional context.

IV. Board of Trustees of the United Nations Institute for Disarmament Research

38. At its forty-sixth session, the Board heard an oral report from the Director of UNIDIR, Patricia Lewis, on the implementation of the Institute's programme and budget since the Board's last meeting. The Director also reported on the consideration of the Institute's programme and budget by the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee during the

sixtieth session of the General Assembly, in particular, on the request of a subvention for the Institute. Taking note of the comments by the Advisory Committee, the Board formally adopted the 2006 programme budget for UNIDIR.

39. At its forty-seventh session, the Board was briefed by the Director on the implementation of the Institute's programme and budget since the Board's meeting in February and was provided with a wider overview of UNIDIR activities and achievements for the year 2005/2006. The Director drew particular attention to the issue of the mandate review and its possible impact upon the future of the Institute as well as her concern that the General Assembly might decide upon the removal of the annual subvention.

40. Board members expressed strong support for the work carried out by the Institute and concern at the prospect of any curtailment of its activities.

Recommendations

41. **The Board made the following recommendations:**

(a) **The Board reiterated its call for core funding from the United Nations regular budget for the core posts of the Institute, as recommended by the General Assembly in its resolution 60/89. In that regard, the Board is concerned about the long-term viability of the subvention. Until the regular budget can provide for the core posts of UNIDIR, the subvention is vital to meet the costs of the Director and staff of the Institute (article VII.2 of the statute of the United Nations Institute for Disarmament Research). Its preservation is also the guarantor of the actual and perceived independence of the Director and the autonomy of the Institute itself;**

(b) **Board members felt that the current United Nations system-wide mandate review process, in particular proposals for the reform of research and training institutes, would have a significant impact on the work and functioning of UNIDIR. The Institute contributed in a fundamental manner to the United Nations system as a whole and to its Member States on the complex issues of disarmament and security. All efforts should be made to support the continued implementation of the Institute's programme of work;**

(c) **The Board of Trustees supported the proposals made by UNIDIR for making the work of the United Nations research institutes more streamlined and cost-effective. In that regard, a network of inter-institute cooperation would be strongly preferred. In reforming the Organization's research and training system, care must be taken not to weaken the capacity of the Institute's Board of Trustees (the Secretary-General's Advisory Board on Disarmament Matters) to exercise its oversight role.**

V. Disarmament information programme

42. At its forty-sixth session, the Board was briefed by Hannelore Hoppe, Officer-in-Charge of the Department for Disarmament Affairs. At the forty-seventh session, the Under-Secretary-General for Disarmament Affairs, Nobuaki Tanaka, addressed the Board and focused on the need for more decision-oriented working methods.

VI. Future work

43. The Board reviewed a total of six possible topics for discussion at its next session in 2007, although no consensus emerged on any single item. It was, however, agreed that, following advice from the Department for Disarmament Affairs, the Secretary-General would task the Board with addressing one of the topics taken from that list.

VII. Conclusions

44. **The Board reviewed the most recent developments in the fields of disarmament and non-proliferation in the light of the current international situation and expressed continuing concern over the lack of results on a number of critical issues. There was deep disappointment at the failure to reflect issues related to disarmament and non-proliferation in the Outcome Document of the 2005 World Summit. The Board reaffirmed the basic principles of multilateralism as well as the need to renew and strengthen the commitment by all States to those principles.**

45. **Regarding the Iranian nuclear issue, the Board expressed concern over its development and implications. Members stressed that an approach based on a balanced view, combined with efforts towards confidence-building, should be adopted by all parties in pursuit of a negotiated solution.**

46. **The Board stressed the need for greater use of regional organizations in crisis resolution and further exploration of their relationship with the United Nations.**

47. **The Board also stressed the importance of the work being carried out on small arms and light weapons and of the very useful contribution made by the original programme of action. Wherever there was organized crime, terrorism or insurgency, there was also a security challenge linked directly to small arms issues.**

Annex

Members of the Advisory Board on Disarmament Matters

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Director-General
Nigerian Institute of International Affairs
Lagos, Nigeria

Christiane Isabelle Agboton Johnson
President
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Mahmoud Karem
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Ho-Jin Lee
Ambassador of the Republic of Korea to Hungary
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[a] Resigned from the Board after the forty-sixth session.